

REC'D 14 APR 2005

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 02 DC 31 E	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/AT 02/00773	International filing date (day/month/year) 10.12.2002	Priority date (day/month/year) 10.12.2002
International Patent Classification (IPC) or both national classification and IPC C23C16/46		
Applicant ETC SRL et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 11.05.2004	Date of completion of this report 12.04.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Joffreau, P-O Telephone No. +49 89 2399-8451 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. **PCT/IT 02/00773**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-21 received on 23.03.2005 with letter of 21.03.2005

Drawings, Sheets

1-3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☒ the claims, Nos.: 22-26
- ☐ the drawings, sheets:

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International application No. **PCT/IT 02/00773**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-21
	No: Claims	
Inventive step (IS)	Yes: Claims	1-21
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IT 02/00773

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1). Reference is made to the following documents:

- D1: WO 02/38839 A (Aixtron AG; Kaeppler Johannes (DE); Wischmeyer Frank (DE); Berge) 16 May 2002 (2002-05-16)
- D2: US-A-5 792 257 (Janzen Erik et al) 11 August 1998 (1998-08-11)
- D3: US-A-4 794 217 (Li Zhi Jian et al) 27 December 1988 (1988-12-27)
- D4: WO 02/38838 A (Aixtron AG; Kaeppler Johannes (DE); Wischmeyer Frank (DE); Berge) 16 May 2002 (2002-05-16)
- D5: US-A-5 695 567 (Nilsson Roger et al) 9 December 1997 (1997-12-09)
- D6: GB-A-1 458 222 (Electricity Council) 8 December 1976 (1976-12-08)

2). A susceptor system characterized by having a hollow suceptor element having at least a through hole extending in a longitudinal direction is neither described by any of the documents D1-D6 cited in the international search report nor suggested by the combination of their teachings.
This feature leads to a confinement of the currents induced by the heating solenoid to the peripheral region and thus to them flowing very close to the treatment chamber.

Claims 1 to 13 are therefore considered to meet the requirements of Art. 33 PCT.

3). Since claims 14 to 20 deal with an apparatus which comprises a susceptor according to claims 1 to 13, claims 14 to 20 are also considered to meet the requirements of Art. 33 PCT.

4). The description is not in conformity with the claims as required by Rule 5.1(a)(iii) PCT, since said through hole is an essential feature of the invention (Article 6 PCT).